

STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
SENATE ADVANCED JOURNAL AND CALENDAR

Wednesday, May 2, 2018

SUPPLEMENT NO. 15

COMMUNICATIONS

(2-1) The Following Communication:

H.C. 520

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

April 20, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1848, "An Act To Extend Arrearage Management Programs".

This bill extends programs at CMP and Emera which help low income residential customers clear up amounts they owe to both T&D utilities to September 30, 2021. Despite the bill's good intentions, the data shows that the program didn't work, and that efforts to fix it will likely add cost and not benefit.

The PUC testimony on the Arrearage Management Program (AMP) states: "The Commission does not believe that the desired outcome of improved payment performance during and after participation in an AMP by customers can be achieved with the current AMP structure and that extending the program another three years will not change this conclusion." Participating customers' bill payment patterns did not improve after their participation in the program, and were not substantively different or better than bill payment patterns of customers that did not participate in the program. While this bill changes the expired program by adding financial and budgetary guidance for participants, adding these changes will likely only increase the administrative costs of the program.

This bill is another example of the legislature trying to insert itself where it does not belong and substitute its judgement for that of expert regulatory bodies. For these reasons, I return LD 1848 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-2) The accompanying Bill "An Act To Extend Arrearage Management Programs"
H.P. 1285 L.D. 1848

Comes from the House with the **VETO OVERRIDEN**, notwithstanding the objections of the Governor.

(2-3) The Following Communication:

H.C. 522

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 23, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1187, "An Act To Amend the Child Protective Services Statutes."

Nothing in my role as Governor is a higher priority than the safety of our children. While I am sure the authors of this bill share my concern for our children's safety, I believe this bill may have serious unintended consequences. The changes in this bill prioritizes kinship placements in a way that may not necessarily be in the best interest of the child.

The Department of Health and Human Services is currently investigating the horrific death of a child who was in a kinship placement. The Department already places a priority on placement with kin and will continue to do so, as long as the placement is believed to be in the best interest of the child. Maine is currently above the national average for kinship placements.

While well-intentioned, this bill prioritizes the rights of relatives over the best interest of a child, as it makes a predetermined judgment that a relative placement out of state or after a long vetting process better serves the child than expeditious placement of a child in a safe and loving home. The State must retain the flexibility to prioritize kinship placements only when it is truly in the best interest of the child.

For these reasons, I return LD 1187 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-4) The accompanying Bill "An Act To Amend the Child Protective Services Statutes"
H.P. 824 L.D. 1187

Comes from the House with the **VETO OVERRIDEN**, notwithstanding the objections of the Governor.

(2-5) The Following Communication:

H.C. 523

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 23, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1756, "An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities."

In my view, allowing the Maine Educational Center for the Deaf and Hard of Hearing ("MECDHH") to enter into a lease with Disability Rights Maine ("DRM") would violate the spirit of the deed of gift from Governor Percival Baxter. Governor Baxter's gift of property on Mackworth Island outlined that the property be used for educational purposes for children, not to be leased to third parties.

In addition, a lease with DRM would require that the facility comply with all federal and state laws to protect and accommodate persons with disabilities. This will require a significant capital investment to bring the facility into compliance—an investment beyond the limited financial resources of the MECDHH. Without an estimate of the required improvements included in the fiscal note, it is unknown whether the rent would cover the cost of the renovations in addition to the regular facility costs.

For these reasons, I return LD 1756 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-6) The accompanying Bill "An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities" (EMERGENCY)

H.P. 1209 L.D. 1756

Comes from the House with the **VETO OVERRIDEN**, notwithstanding the objections of the Governor.

(2-7) The Following Communication:

H.C. 525

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 25, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1874, "Resolve, To Ensure the Continued Provision of Services to Maine Children and Families."

This bill sets inappropriate limitations on the ability of the Executive to manage, enter, and exit specific contracts. Without appropriate flexibility, the team at DHHS is left with little ability to ensure a contractor meets basic performance expectations.

Regarding the specific contracts in question, the legislature's meddling is completely unnecessary and inappropriate. The Department has already engaged in conversations with the providers to further extend the contracts and to determine what aspects of these services fulfill unmet needs and should continue to be ongoing.

It is the responsibility of the State to provide adequate and appropriate services, but also that the services we pay for are of the highest quality, are not duplicative, and are absolutely necessary for the wellbeing of Mainers. This proposed resolve interferes with the ability to meet those goals.

For these reasons, I return LD 1874 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-8) The accompanying Resolve, To Ensure the Continued Provision of Services to Maine Children and Families (EMERGENCY)

H.P. 1307 L.D. 1874

Comes from the House with the **VETO OVERRIDEN**, notwithstanding the objections of the Governor.

(2-9) The Following Communication:

H.C. 526

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 25, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1892, "An Act to Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists."

LD 1892 is an effort to undermine the Maine Board of Pharmacy's efforts to adopt reasonable rules—grounded in public safety—for when and to whom licensed pharmacists may prescribe and dispense naloxone. The bill effectively negates the need for pharmacy rules on this subject because it would allow pharmacists to prescribe and dispense naloxone without limitation to anyone, anywhere, under any circumstances. This bill makes any reasonable rule unnecessary. Is this sound public policy? The simple answer is no.

No health policy rationale supports the extreme position espoused by the Legislature that every resident of Maine, including children, must have access to naloxone. This bill reflects a lack of understanding about effective ways to reduce deaths resulting from opioid overdose. The Legislature must be under the mistaken impression that deaths from opioid overdose cannot be reduced unless naloxone is provided to anyone and everyone. That will not be the case.

Maine is fortunate, however, to have many licensed pharmacists who will use their experience and professional judgment to determine when and to whom to dispense naloxone. They don't need the Legislature's permission to make professional decisions. Licensed pharmacists will do the right thing under the rules promulgated by their oversight body, the Pharmacy Board.

For these reasons, I return LD 1892 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-10) The accompanying Bill "An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists" (EMERGENCY)

H.P. 1325 L.D. 1892

Comes from the House with the **VETO OVERRIDEN**, notwithstanding the objections of the Governor.

(2-11) The Following Communication:

H.C. 528

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 27, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1719, "An Act To Implement a Regulatory Structure for Adult Use Marijuana."

Under federal law, marijuana is a Schedule 1 controlled substance. As a Schedule 1 drug, the federal government has deemed that marijuana has a high potential for abuse and has no currently accepted medical use in treatment in the United States. In Maine, doctors cannot legally prescribe marijuana to patients; they only "certify" its use. Possession of any amount of marijuana under federal law is a misdemeanor crime. In 2011, I took an oath to support the Constitution of the United States, and I cannot in good conscience support a law that, on its face, violates federal law.

Even if federal law were of no concern, there are other significant issues that must be addressed. This bill does not adequately address the failings of the medical marijuana program. It moved the oversight of the program from DHHS to DAFS, but then fails to truly integrate the two programs. The drafters of this bill chose to largely ignore the significant effects on medical marijuana of a recreational program—a program that still has different levels of regulatory oversight and a different tax structure.

As I have stated previously, a concurrent medical program with weaker regulation and a lower tax rate will undermine the regulations established by this bill. The two programs must be fully integrated. In the run-up to the 2016 referendum, the medical program saw a significant increase in the number of registered caregivers, as well as the exploitation of loopholes in medical marijuana regulations to broaden the sales base for medical marijuana, which has a much lower tax rate.

The need for policymakers to get this issue correct has never been higher. As this administration looked to other states that have legalized adult-use marijuana, we noticed a gruesome similarity. In the few short years since marijuana has been legalized by some states, those same states have seen staggering increases in motor vehicle fatalities resulting from marijuana impairment. After one of the worst years in recent memory for crashes, fatalities, and pedestrian fatalities, we should take every step to ensure safety on Maine roads instead of making them more hazardous. No branch of government has a monopoly on good ideas; if Maine is going to legalize and regulate marijuana, it will require our joint efforts to get this important issue right.

For these reasons, I return LD 1719 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-12) The accompanying Bill "An Act To Implement a Regulatory Structure for Adult Use Marijuana" (EMERGENCY)

H.P. 1199 L.D. 1719

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

(2-13) The Following Communication:

H.C. 532

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 30, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1907, "Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan."

This resolve directs the Maine Public Employees Retirement System, the Administration, and other stakeholders to continue working to evaluate and design new retirement plan options for all state employees and teachers.

The working group has completed its mission by drafting a report that assesses possible retirement plan options. Maine does not need yet another task force to study a problem that has already been addressed and certainly does not rise to the level of an emergency measure.

Furthermore, this resolve is yet another unfunded mandate. It not only burdens MPERS and the Administration with continuing an unnecessary study, but also requires both organizations to procure the funding necessary to pay for it.

I agree that state pension reform is needed. I have worked throughout my administration to shore up our state's pension system and more remains to be done. However, it is ultimately the Legislature and the Governor that will decide what shape such reform should take. We do not need another report to address an issue we know all too well.

For these reasons, I am returning LD 1907 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-14) The accompanying Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan (EMERGENCY)

H.P. 1346 L.D. 1907

Comes from the House with the **VETO OVERRIDEN**, notwithstanding the objections of the Governor.
